



Order Filed on June 3, 2019  
by Clerk  
U.S. Bankruptcy Court  
District of New Jersey

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| <b>UNITED STATES BANKRUPTCY COURT<br/>DISTRICT OF NEW JERSEY</b>  |  |
| Michael Leonard Detzky, Esq.<br>Law Office of Michael L. Detzky<br>45 Court Street<br>Freehold, NJ 07728-1709<br>(732) 780-3090<br>Attorneys for Debtor |  |
| In Re: Madeline Giovanetti<br>Debtor  |  |

Case No.: 19-16418-CMG

Chapter: 13

Hearing Date: June 5, 2019

Judge: Christine M. Gravelle

**CONSENT ORDER ON DEBTOR'S CHAPTER 13 PLAN/MOTION  
FILED ON MARCH 29, 2019**

The relief set forth on the following page(s) 2-3 is hereby ORDERED

DATED: June 3, 2019

  
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Honorable Christine M. Gravelle  
United States Bankruptcy Judge

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Debtors: Madeline Giovanetti

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THIS MATTER being opened to the Court by Debtor, Madeline Giovanetti, having filed a Chapter 13 Plan/Motion, and the Debtor and mortgage creditor Bank of America, N.A. having reached a resolution; and the Court noting the consent of the parties to the form, substance and entry of the within Order; and for good cause shown;

**IT IS ORDERED that:**

1. Bank of America, N.A. ("BANA") holds a second lien against real property owned by the Debtors and located at 797 WILLOW ROAD, TOMS RIVER, NJ 08753 ("Residence").
2. Provided BANA files a timely proof of claim, it shall be allowed as a non-priority general unsecured claim and shall be paid as such in accordance with the Debtor's Chapter 13 Plan.
3. The avoidance of BANA's second lien is contingent upon the Debtor's completion of the Chapter 13 plan and receipt of a Chapter 13 discharge.
4. BANA shall retain its lien for the full amount due under the subject loan in the event of the dismissal of the Debtor's Chapter 13 case or conversion of the case to any other Chapter under the United States Bankruptcy Code.
5. BANA shall also retain its lien for the full amount due under the subject loan if, prior to completion of the Chapter 13 plan and entry of a discharge, the subject property is sold or refinanced, or the Chapter 13 plan is amended or modified to surrender the property.
6. In the event that the property is destroyed or damaged, BANA shall be entitled to its full rights as a loss payee with respect to any insurance proceeds and has a security interest in such proceeds up to the entire balance due on the mortgage.
7. In the event that any entity, including the holder of the first lien on the Subject Property forecloses on its security interest and extinguishes BANA's lien prior to the Debtor's completion of the Chapter 13 plan, BANA's lien shall attach to any surplus proceeds of the foreclosure sale for the full amount of the subject loan balance at the time of the sale.

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8. Each party shall bear their own attorney's fees and costs incurred in the present case number.


The undersigned hereby consent to the form, content and entry of the within Order:

LAW OFFICE OF MICHAEL L. DETZKY  
Attorneys for Debtor

  
By: MICHAEL L. DETZKY

Dated: 4-29-2019

MARINOSCI LAW GROUP, P.C.  
Authorized Agent for Bank of America, N.A.

  
By: FREDERIC J. DISPIGNA

Dated: 5/23/2019